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GREATER METRO CABLE CONSORTIUM

March 28, 1996

Wm. F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Re: Ref. C.S. Docket No. 96-46
FCC Document 96-99

Dear Secretary Caton:

We believe that it was Congress' intention by passing the "Open Video Systems" provision, to allow voices that currently have access to cable service video platforms, to have the same access on the OVS systems. The current users include elementary and secondary schools, higher education, churches and synagogues, charitable institutions, local governing bodies, and state and local agencies.

The Greater Metropolitan Cable Consortium (GMCC) represents 24 cities and counties in the Denver, Colorado metropolitan area, with a population of over 2.5 million people. A list of GMCC members is attached. On behalf of our agencies and these consumers, we have concerns that OVS regulations not violate the spirit of the provision crafted by Congress. Therefore, I request your most favorable consideration of the regulations:

- With regard to Public, Educational, and Government (PEG) access on open video systems, please enforce regulations that produce a result that equals the level of access and services, facilities, equipment, and support available to PEG access centers on cable systems.
- Please ensure that access to video platforms by programmers unaffiliated with open video system platform operators is readily available by exercising the Commission's statutory authority to impose rate and regulatory structuring of platform access.
- Where OVS overlap franchise jurisdictions, or covers only a part of a franchise area, the consumers should have the same opportunity to have PEG services as are currently provided by, what will be competing cable providers.

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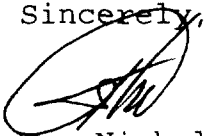
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- Where an OVS provider overlaps franchise areas, or only serves a portion of an area, the FCC's rules should specify that, at a minimum, subscribers in these overlapping or partial areas receive the PEG services that are provided by the incumbent cable operator and are germane to their area. In some cases, this may mean receiving additional services from adjacent areas. However, this potential problem can be resolved by segmenting larger regional systems into smaller service areas for the purpose of discretely providing PEG services targeted at a specific franchise area. Cable operators have been meeting franchise-specific requirements in this way for a number of years. As targeted service delivery technology improves, systems segmentation will be even easier to implement. Accordingly, OVS operators should not find it difficult to follow, and even improve upon, the cable system segmentation model.
- Please follow the clear intent of congress in creating open video systems as a means of encouraging local exchange carriers to enter the video services market, by prohibiting cable operators who are already present in the video market from converting to the open video regulatory system.
- Please consider the importance of local government's ability to send a message by one phone call over all systems providing service in their community during emergency situations. Currently, within cable franchises, the ability to override a system by local government to disseminate emergency information is provided. This should be the same for open video system providers.
- In the current franchise agreements with cable operators, there are a certain number of access channels and channel locations defined for local communities. In the interests of both consumers and fairness between competitors, it is important to require open video system providers to provide the same number of access channels and meet similar location requirements. This ensures consumers will not be inconvenienced or confused as to this important information.

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We believe the Telecommunications Act has the potential of opening up new vistas for meaningful electronic expression by schools, non-profits, community support groups, and governmental bodies and agencies. Therefore, on behalf of the 24 cities and over 2.5 million people represented by the GMCC, I urge you to consider the concerns we have expressed in your rule making.

Sincerely,



Tom Nicholas
President, GMCC

attachment: GMCC members

cc: FCC Directors (nine copies attached)
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